

Sep 74 - Sec 500

## 500. ADMINISTRATIVE ORGANIZATION

This chapter presents a brief summary of the statutory provisions for the overall employment security agency, the advisory councils, and the appeals authorities. All these provisions emphasize the public interest in the program as well as the interest of employers and employees as the groups most immediately concerned.

### 505 PLACE OF THE EMPLOYMENT SECURITY AGENCY IN THE STATE GOVERNMENT

There are no Federal requirements concerning the form of State administrative organization or its position in the State government. The Wagner-Peyser Act, the basic law of the employment service, requires that States designate, or authorize the creation of, a State agency vested with all powers necessary to cooperate with the U.S. Employment Service. The Social Security Act requires that State laws must include provision for making such reports containing such information as the Secretary of Labor may require. All the State laws include provisions that meet these specific Federal requirements and a general statement on Federal-State cooperation.

The administrative organization of the employment security agencies shows considerable diversity. Some State employment security agencies are independent boards or commissions. Others are independent departments of State governments, reporting directly to the Governor. The remainder are in State departments of labor or other agencies. These various types of administrative organizations are outlined in the three parts of Table 500.

*505.01 Independent board or commission.*--The employment security or unemployment compensation commissions or boards are made up of 3 to 7 members, usually 3, appointed by the Governor, except in South Carolina where members of the commission are elected by the State general assembly. In Michigan the commission is by law in, but not subject to, the Department of Labor.

The interest of employer and labor groups and of the public in the program is recognized in the statutory provisions for tripartite membership in some States. In the District of Columbia and Michigan, employer and employee groups must be represented. In Mississippi, where the three members represent the three State supreme court districts, one member must be a representative of workers. Indiana requires one representative of large employers and one of independent merchants and small employers as well as two representatives of labor. In other States, commission members are, in practice, representative of interest groups.

Iowa, Maine, Michigan, and Wyoming require that the membership of the commission be bipartisan in character. In addition, Michigan requires that employers and employees be represented, and Iowa and Maine specify that membership include representation from employers, labor, and the public.

In some States the Governor designates the chairman of the commission; in other States the commission or board elects its own chairman. In a few States with tripartite representation on the commission, the public member is chairman by statute; in other States the public member is, in practice, chairman. The Commissioner is chairman of the District of Columbia Unemployment Compensation Board, but he may delegate this authority.

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In five States<sup>1</sup> the chairman of the commission is the executive officer of the employment security agency. In five States<sup>2</sup> with per diem or part-time commissions and South Carolina with a full-time commission, the commission appoints a full-time executive director or administrator. In Indiana the Governor appoints a full-time executive director who is secretary of the board.

*505.02 Independent departments of State government.*--The independent departments of State governments represent another type of administrative development (Table 500B). In these States the administration of the program is headed by a director, executive director, commissioner, or administrator appointed by the Governor. In Kentucky the bureau of employment security is a part of a department of economic security which includes a bureau of social services.

*505.03 In State department of labor or other agency.*--Almost half the States have placed their employment security divisions in the State department of labor or other labor-oriented agency. In recent years a few States have moved the employment security division into a human relations, human resources, or social service agency.

In most of these States (Table 500C) the division of employment security or of employment is an integrated employment security agency headed by a director, executive director, or administrator. In Delaware, Hawaii and Wisconsin separate operating divisions report to the Department of Labor, in California to the Health and Welfare Agency, in Florida to the Secretary of Commerce, and in Kentucky to the Secretary of Human Resources.

*505.04 Merit selection of employees.*--One of the Federal requirements for administrative grants to States under the Social Security Act is that the State unemployment insurance law make provision for "methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary of Labor shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods." All State laws have made provision for appointment on a merit basis of personnel administering the unemployment insurance programs with the exception of the policymaking heads of the agency. In the States with a civil service law applicable to all departments of State government, appointment of employment security personnel is in accordance with State civil service regulations. Employees of the District of Columbia Unemployment Compensation Board are appointed under the Federal civil service regulations. In States without statewide civil service systems, employees are appointed under merit systems which were established to meet the requirements of the Social Security Act.

### 510 ADVISORY COUNCILS

All but four State laws provide for statewide advisory councils. In 46 States such a council is mandatory; in 2 permissive. Hawaii and Montana have appointed advisory councils though there are no statutory requirements for such councils. In approximately half the States the council is appointed by the Governor; in the others by either the employment security administrative authority or by the overall administrative agency (Table 501).

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<sup>1</sup>/Iowa, Maine, New Mexico, North Carolina, and Texas.

<sup>2</sup>/District of Columbia, Michigan, Mississippi, Oklahoma, and Wyoming.

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*510.01 Purpose of advisory councils.*--In most States the councils are for the purpose of aiding the agency in formulating policies and meeting problems relating to the administration of the employment security act, and in assuring impartiality and freedom from political influence in the solution of such problems. In Arkansas, Delaware, Florida, New Hampshire and Wisconsin the State laws specifically call for a UI advisory council and in South Dakota one of the two separate councils is given responsibility for the unemployment insurance program. The council is concerned with the overall employment security program. The council can make <sup>1</sup> recommendations on its own to the Governor and/or the legislature in 11 States. In Massachusetts the council reports to the Governor at least quarterly and to the legislature annually; in New York, to the Governor and legislature annually; in Missouri, to the Governor and legislature biennially; and in Pennsylvania, to the Governor periodically. The New Jersey employment security council reports to the Governor and the legislature annually and at such other times as it may deem to be in the public interest. The Wisconsin council reports to each regular session of the legislature; in addition, it reports to the proper legislative committee on any pending unemployment insurance bill.

In Colorado the council must approve expenditures from the special administrative fund. The Illinois Board of Unemployment Compensation and Free Employment Office Advisors and the Board of Local Illinois Free Employment Office Advisors for each employment office are established by the Illinois Civil Administrative Code.

*510.02 Representation on councils.*--Equal representation of labor and employer groups is specifically provided in all States except Idaho, Kentucky, and Texas, and one or more public members in all States except Michigan, Oklahoma, and Wisconsin. In Texas the council must be composed of persons representing employers, employees, and the public, but equal representation is not specified. In Idaho the director is to prescribe the qualifications of the members. In Kentucky membership consists of representatives of public interest and minority groups, the poor, benefit recipients and the general public. In New Jersey no more than four members of the council may be of the same political party. In Nebraska two members must have no interest either as employers or employees, and in Missouri and Ohio at least three members must be individuals whose training and experience qualify them to deal with the technical, economic, and social aspects of unemployment insurance. Thirteen States<sup>2</sup> provide that women must be represented on the advisory council; in practice they are represented on other State councils. New Jersey has a separate advisory council on disability benefits.

In Nevada the executive director of the employment security department, and in Ohio the chief of the division of research, serves as ex officio secretary of the respective councils. In Oklahoma the chairman of the employment security commission is ex officio chairman of the council, and in Pennsylvania the secretary of labor and industry is ex officio a member of the council; the secretary appoints the executive secretary of the council.

*510.03 Special councils.*--Twenty-nine States (Table 501) provide for local and industry or special councils as well as a statewide advisory council, but only in four States is their appointment mandatory. In all States except Illinois, Maryland, Oregon and West Virginia, the local State councils are appointed by the same authority as the State councils; in Illinois the director of the department of labor, and in Maryland the executive director of the employment security administration, appoints

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<sup>1</sup>/Alabama, Maine, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

<sup>2</sup>/Arkansas, Florida, Indiana, Kansas, Nevada, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, and South Dakota.

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the local councils; in Oregon the administrator of the employment division appoints other special councils; in West Virginia the State advisory council appoints the local councils for a limited and temporary period. Local councils also must ordinarily be representative of employees, employers, and the public; however the permissive provisions in Arizona, Idaho, Indiana, and Washington contain no statements concerning membership of the special councils. In Nevada the farm labor council must include representatives of substantial commodity interests so that the problems peculiar to each commodity group will be considered in State planning and administration.

### 515 APPEAL AUTHORITIES

Among the requirements of the Social Security Act for Federal financing of the State administration of unemployment insurance is provision in the law for "opportunity for a fair hearing before an impartial tribunal, for all individuals whose claims for unemployment compensation are denied." All State laws provide for such appeal tribunals; all but a few provide for two appeal stages (Table 502A) before cases can be appealed to the State courts. Obviously the provisions differ considerably from State to State with differences in the appeals load, in the overall administering pattern, in the geographic characteristics of the State, and other factors. In all States not only individuals whose claims are denied, but employers who have an interest, have a right to appeal decision on claims.

As a result of the *Java* decision,<sup>1</sup> after a claimant has been held eligible for benefits, such claimant will continue to receive benefits until such time as a decision is issued reversing the determination or decision allowing benefits. Thus, an employer's appeal will not affect the continuance in payment of benefits until a decision is issued denying benefits. The majority of State laws specifically provide for the payment of benefits pending an appeal from a determination or decision allowing benefits while other States have either interpreted their laws or been required by court order to follow this procedure. In all States except New York, this procedure applies to any determination or decision issued allowing benefits. New York limits the continuance in payment of benefits during an appeal period to one following an initial determination allowing benefits.

Table 502 is concerned with administrative and judicial review applicable to claims determinations. Where review involves employer liability only, there may be different time limits and different hearings bodies.

*515.01 First appeals stage.*--One-half of the State laws provide that appeals at the initial stage are to be heard by a single referee or examiner. In most of the other States the law provides that an appeal may be heard by a referee (or examiner) or by a referee (or examiner) and two associates, the associates representing the interests of employers and employees, on a per diem basis.

The number of days for appealing to the first stage appeals body is generally stated in terms of days; however, in almost one-half of the States the period

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<sup>1/</sup> In *California Department of Human Resources Development v. Java*, the U.S. Supreme Court held that Section 303 (a)(1) of the Social Security Act was intended to mean that benefits must be paid at the earliest stage of unemployment that such payments are administratively determined to be due.

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used is defined as calendar days. Among these States Maryland excludes Sundays and holidays; Kansas, Massachusetts, and Michigan extend the time if the last day falls on a Saturday, Sunday, or holiday; Missouri if the last day falls on a Sunday or holiday; New Jersey, Ohio (by court decision), and Pennsylvania exclude the day of mailing; also the last day if it falls on a Saturday, Sunday, or holiday. Massachusetts further provides for excluding a Saturday, Sunday, or holiday from the 5-day period after delivery of a determination or decision, but includes them in the 7-day period after mailing.

Of the States which do not define day, Connecticut extends the time if the last day for filing falls on a day when the unemployment offices are closed; Louisiana extends the time if the last day falls on a Saturday, Sunday, or holiday; and California, Nevada, and Washington exclude the day of mailing and the last day if it falls on a Saturday, Sunday, or holiday.

The number of days for filing an appeal after notice of the determination varies among the States, ranging from 5 to 30 days. Only Indiana provides for a special appeal period (7 days) after the mailing of a monetary determination. In a few States the time may be extended if good cause is shown. In Minnesota there is a specific extension of time--from 7 to 10 calendar days after delivery or from 7 to 12 calendar days after mailing of the determination. In Missouri, when an appeal is not filed on time, an order is mailed to the claimant dismissing the appeal. But if requested within 10 days from the date of mailing the order, a hearing will be scheduled on the timeliness and merits of the appeal.

Idaho, Michigan, and Ohio provide that an appeal can be taken only from a redetermination. This redetermination is subject to the same time limitation as is the appeal to the referee.

In all but a few States the decision of the first-stage appeals body is final in the absence of an appeal. In other States the referee may reconsider his decision within the appeal period (footnote 8, Table 502A). The Nebraska law permits the commissioner to reopen the appeal tribunal decision on request within 90 days from the date of mailing on the basis of fraud, mistake, or new evidence. The appeal tribunal then holds a further hearing on the factors contributing to the reopening. In New Jersey every decision of the appeal tribunal may be considered by the board of review, which may let the decision stand, remand it to another appeal tribunal for a new hearing, or withdraw the case to itself. Puerto Rico and Rhode Island provide that any determination or decision of the referee may be reopened if a worker or employer has been defrauded or coerced in connection with the decision; the time limitation is within 60 days of the knowledge of fraud or removal of coercion.

*515.02 Second appeals stage.*--About one-half of the States have a board of review, board of appeals, or appeals board to hear cases appealed from the decision of the lower appeal tribunal (Table 502A). All these boards consist of three members, except New York and California which have five. The Mississippi board is appointed by the employment security commission, and the New Jersey board of review by the director of the division of employment security; in the other States, the appeals board is appointed by the Governor.

The members of the appeals boards represent labor, employers, and the public in a few States; but in West Virginia, the Governor may not appoint anyone who is identified with the interests of either employers or employees. In Indiana, Ohio, Oregon, and Rhode Island, no more than two members, and in New York, no more than three members may belong to the same political party; and in Oklahoma, no member may serve as an officer of any political party organization during his term of office. California specifies that two of the members must be attorneys.

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In one-half of the States the second appeals stage is handled by an existing commission or agency head. These States include all but four<sup>1</sup> of the States headed by an independent commission or board. The board, which constitutes the administrative agency, functions as the appeals board. In Missouri and Wisconsin, where the agency is under the State industrial commission, these overall agencies serve as the appeals board. Idaho utilizes the industrial accident board part time as the unemployment insurance appeals board. The Kentucky commissioner of economic security and two associate commissioners constitute the unemployment insurance commission which serves as appeals board and adopts rules and regulations.

In Minnesota, South Dakota, Virginia, and Washington, the commissioner in charge of the independent employment security agency hears second-stage appeals, and in Alaska and Puerto Rico the head of the overall agency carries out this function.

The number of days in the period for appeal to the second-stage appeals body are designated as calendar days in only eight States, of which Minnesota and Vermont so designate only the days after delivery of the referee's decision; Vermont further stipulates that the time limit to appeal to the board is within 6 days from the date of the return receipt of registered or certified mailing of the referee's decision. Five States extend the time for filing for good cause.

Hawaii, Nebraska, and New Hampshire provide for only one administrative appeal which is to the first-stage appeals body. The claimant would then appeal for judicial review in the appropriate court.

Some States provide that a contested determination which involves a labor dispute shall be appealed directly to the second-stage appeals body. In some States a special examiner is designated to determine the original claim. In North Dakota the period for appeal to the second-stage appeals body from a decision concerning a labor dispute is shortened from a 12-day period to one of 7 days after delivery or 10 days after mailing.

*515.03 Judicial review.*--All the States provide for appeals to the courts for judicial review. The time limit ranges from 10 to 50 days, and in California to 4 years. About one-half of the States designate a specific time to exhaust actions before the second administrative appeal body, whose decision then is final. These States provide an additional period of time in which to seek judicial review commencing when the decision is final.

In New Jersey, which has no provision in its unemployment insurance law for appeals to the court, timeliness is governed by court rule.

Instead of allowing a time based on the delivery or mailing of the decision, four States count the days from the date of the second-stage appeal decision (District of Columbia and New Mexico), after the decision was made (Kentucky), or entered (Vermont); Hawaii, which allows only one administrative appeal, counts the days for judicial review from the service of the referee's decision.

In Colorado the claimant must appeal within 10 days to the commission for a review of its decision before he may appeal to the court. In North Carolina he must file a notice of intent to appeal before the commission's decision is final. Indiana allows an extension of 30 days from the date of a notice of intention to appeal to the court if made within the 15-day period from the date of mailing the board's final decision.

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<sup>1</sup>/Indiana, Michigan, Mississippi, and Oklahoma.

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TABLE 500.--ORGANIZATION OF STATE EMPLOYMENT SECURITY AGENCIES  
A. Independent commission or board (1) States)

State	Name of commission or board	Number of members	Interests represented	Basis of payment	Designation of chairman	Executive officers	
						Title	Appointed by--
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
D.C.	U.C. Board.	3	ER & empee. representatives appointed by City Council.	Commr. or del.; 2 per diem members.	By stat., Commr. appointed by Pres. of U.S.	Dir. & Secy. of Bd.	Commr.
Ind.	E.S. Board.	5	Tripartite.	Per diem.	Elected by Board.	Exec. dir. E.S. Div. & Secy. of Bd. Chairman.	Gov.
Iowa	E.S. Comm.	3	Bipartisan & tripartite.	Full-time.	Elected by Comm.		Comm.
Mich.	E.S. Comm. <sup>3/</sup>	5	Bipartisan & ER & empee.	Per diem.	Elected by Comm.	Dir. and Secy. of Comm.	Comm.
Miss.	E.S. Comm.	3	Employee <sup>1/</sup>	Part-time.	Appointed by Gov.	Exec. dir. & Secy. of Comm.	Comm.
N.Mex.	E.S. Comm.	3	. . . . .	Chairman, full-time; 2 per diem members.	Appointed by Gov.	Chairman & Exec. Dir.	Gov.
N.C.	E.S. Comm.	7	Tripartite in practice.	Chairman, full-time; 6 per diem members.	Appointed by Gov.	Chairman.	Gov.
Okla.	E.S. Comm.	5	Tripartite.	Per diem.	By stat., public member.	Exec. dir.	Comm.
S.C.	E.S. Comm. <sup>2/</sup>	3	. . . . .	Full-time.	Elected by Comm.	Exec. dir.	Comm.

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TABLE 500.--ORGANIZATION OF STATE EMPLOYMENT SECURITY AGENCIES (CONTINUED)  
A. Independent commission or board (11 States) (Continued)

State	Name of commission or board	Number of members	Interests represented	Basis of payment	Designation of chairman	Executive officers	
						Title	Appointed by--
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Tex.	Emplmt. Comm.	3	Tripartite.	Full-time.	By stat., public member.	Chairman & exec. dir.	Gov.
Wyo.	E.S. Comm.	3	Bipartisan.	Chairman, part-time; 2 per diem members.	Elected by Comm.	Exec. dir.	Comm.

1/ One member from each Supreme Court district and 1 member must be a representative of employees.

2/ Members of commission are elected by State general assembly.

3/ Commission is by law in, but not subject to, Department of Labor and includes the Director of Labor as an ex officio member.

TABLE 500.--ORGANIZATION OF STATE EMPLOYMENT SECURITY AGENCIES (CON.)  
B.--Independent department of State government (14 States)

State (1)	Name of department (2)	Title of executive officer (3)	Explanatory notes (4)
Idaho	Department of Employment.	Executive Director.	.....
La.	Department of Employment Security	Administrator	.....
Minn.	Department of Employment Services	Commissioner	.....
Nev.	Employment Security Department	Executive Director	.....
N.H.	Department of Employment Security	Commissioner	.....
N.Dak.	Employment Security Bureau	Executive Director	.....
Ohio	Bureau of Employment Services	Administrator	.....
R.I.	Department of Employment Security	Director	Board of review has power to adopt rules and regulations. .....
S.Dak.	Employment Security Department	Commissioner and counsel	.....
Tenn.	Department of Employment Security	Commissioner	.....
Vt.	Department of Employment Security	Commissioner	.....
Va.	Employment Commission (1 member)	Commissioner	State commissioner of labor is to give full cooperation and assistance to the Employment Commission. .....
Wash.	Employment Security Department	Commissioner	.....
W.Va.	Department of Employment Security	Commissioner of Employment Security	.....

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TABLE 500.--ORGANIZATION OF STATE EMPLOYMENT SECURITY AGENCIES (CONTINUED)  
C.--In State department of labor or other agency (27 States)

state (1)	Name of department and administrative head (2)	Name of employment security unit or units (3)	Employment security executive officer	
			Title (4)	Appointed by (5)
Ala.	Dept. of Indust. Rel., Dir.	Div. of E.S.	Dir. of Indust. Rel. as Chief of Div.	Gov.
Alaska	Dept. of Lab., Commr.	Div. of E.S.	Dir.	Commr.
Ariz.	Dept. of Econ. Sec., Dir.	E.S. Comm.	Asst. Dir.	Dir., Dept. Econ. Sec.
Ark.	Dept. of Lab., Commr.	E.S. Div.	Adm.	Gov.
Calif.	Health & Welfare Ag., Secy.	Dept. of Emplmt. Dev. <sup>3/</sup>	Dir.	Gov.
Colo.	Dept. of Lab. & Emplmt., Exec. Dir.	Div. of Emplmt.	Commr. of Emplmt.	Gov.
Conn.	Lab. Dept., Commr.	Div. of E.S.	Exec. Dir.	Labor Commr.
Del.	Dept. of Lab.	Div. of U.I.	Dir.	Secy. of Labor.
Fla.	Div. of Emplmt. Sec., Dept. of Commerce, Lt. Gov. <sup>1/</sup>	Bu. of U.C.	Dir.	Secy. of Commerce.
Ga.	Dept. of Lab., Commr.	E.S. Agency.	Dir.	Commr. of Labor.
Hawaii	Dept. of Lab. & Indust. Rel., Comm. (5 members, bipartisan).	U.I. Div.	Dir. of Dept. of Lab. & Indust. Rel.	Comm.
Ill.	Dept. of Lab., Dir.	Bu. of E.S.	Adm.	Dir. of Labor.
Kans.	Lab. Dept., Commr.	E.S. Div.	Dir.	Commr. of Labor.
Ky.	Dept. of Hum. Res., Secy.	Bu. for Soc. Ins.	Commr. for Soc. Ins.	Secy. of Hum. Res.
Maine	Dept. of Manpower Affairs	E.S. Comm.	Commr.	Gov.
Md.	Dept. of Emplmt. & Soc. Svcs., Secy.	E.S. Admn.	Exec. Dir.	Secy. of Dept. of Emplmt & Soc. Svcs.
Mass.	Exec. Off. of Manpower Affairs, Secy.	Div. of E.S. <sup>2/</sup>	Dir.	Gov.
Mo.	Dept. of Lab. & Indust. Rel., Indust. Comm. (3 mem- bers with tripartite rep.).	Div. of E.S.	Dir.	Gov.
Mont.	Dept. of Lab. & Indust., Commr.	Div. of E.S.	Adm.	Commr. of Lab. & Industry.

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TABLE 500.--ORGANIZATION OF STATE EMPLOYMENT SECURITY AGENCIES (CONTINUED)  
C.--In State department of labor or other agency (27 States)

State (1)	Name of department and administrative head (2)	Name of Employment security unit or units (3)	Employment security executive officer	
			Title (4)	Appointed by (5)
Nebr.	Dept. of Lab., Commr.	Div. of Emplmt.	Dir.	Gov.
N.J.	Dept. of Lab. & Indust., Commr.	Div. of E.S.	Dir.	Gov.
N.Y.	Dept. of Lab., Indust. Commr.	. . . . .	Exec. Dir.	Industrial Commr.
Oreg.	Dept. of Hum. Res., Dir.	Emplmt. Div.	Adm.	Gov.
Pa.	Dept. of Lab. & Indust., Secy.	Bu. of E.S.	Exec. Dir.	Secy. of Labor & Industry.
P.R.	Dept. of Lab., Secy.	Bu. of E.S.	Dir.	Secy. of Lab.
Utah	Indust. Comm. (3 members, bipartisan).	Dept. of E.S.	Adm.	Comm.
Wis.	Dept. of Indust., Lab. & Hum. Rel.	Emplmt. Sec. Div.	Chairman of Indust., Lab. & Hum. Rel. Comm.	Gov.

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<sup>1</sup>/May be headed by a Secretary if appointed with Senate confirmation.

<sup>2</sup>/Division is by law in, but not subject to, Department of Labor and Industries, headed by Commissioner.

<sup>3</sup>/Also Department of Benefit Payments

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## TABLE 501.--STATE AND LOCAL ADVISORY COUNCILS

State	State councils					Local or special councils
	Appointed by--	Num-ber of Mem-bers	Groups represented <sup>2</sup>			
			Em- ployer	Em- ployee	Public	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Ala.	Gov.	9	X	X	X	.....
Alaska	Gov.	5	2	2	1	.....
Ariz.	Gov.	18	X	X	X	Permitted.
Ark.	Gov.	(1)	X	X	X	.....
Calif.	.....	.....	.....	.....	.....	.....
Colo.	Gov.	11	4	4	3	.....
Conn.	Gov.	6	2	2	2	.....
Del.	Gov.	7	.....	.....	.....	.....
D.C.	.....	.....	.....	.....	.....	.....
Fla.	Div. of Lab. & Emplmt.	(1)	X	X	X	.....
	Opp.					
Ga.	Commr. of Labor	(1)	X	X	X	Permitted.
Hawaii <sup>3/</sup>	Dir. of Lab. & Indust.	15	4	4	7	.....
	Rel.					
Idaho	Dir., Dept. of Emplmt.	(1)	(1)	(1)	(1)	Permitted.
Ill.	Gov.	9	3	3	3	Permitted.
Ind.	E.S. Bd.	(1)	X	X	X	Permitted.
Iowa <sup>3/</sup>	E.S. Comm.	(1)	X	X	X	Permitted.
Kans.	Commr. of Lab.	(1)	X	X	X	Permitted.
Ky.	Gov.	15 <sup>1/</sup>	.....	.....	.....	.....
La.	Gov.	(1)	X	X	X	Permitted.
Maine	Commr., Manpower Affairs	9	X	X	X	.....
Md.	Secy. of Dept. of Emplmt. and Soc. Svcs.	(1)	X	X	X	Mandatory.
Mass.	Gov.	6	2	2	2	.....
Mich.	Gov.	8	4	4	.....	.....
Minn.	Gov.	(1)	X	X	X	Permitted.
Miss.	E.S. Comm.	(1)	X	X	X	Permitted.
Mo.	Gov.	7	2	2	3	.....
Mont <sup>3/</sup>	Div. of E.S.	15	5	5	5	.....
Nebr.	Commr. of Labor	6	2	2	2	Permitted.
Nev.	Gov.	9	X	X	X	Mandatory.
N.H.	Gov.	7	3	3	1	.....
N.J.	Gov.	7	2	2	3	.....
N.Mex.	E.S. Comm.	(1)	X	X	X	Permitted.
N.Y.	Gov.	9	3	3	3	.....
N.C.	Gov.	(1)	X	X	X	Mandatory.
N.Dak.	E.S. Bu.	(1)	X	X	X	Mandatory.
Ohio	Gov.	7	2	2	<u>4/</u> 3	Permitted.
Okla.	Gov.	6	3	3	.....	.....
Oreg.	Gov.	(1)	X	X	X	Permitted.
Pa.	Gov.	(1)	X	X	X	Permitted.
P.R.	Secy. of Lab.	(1)	X	X	X	Permitted.
R.I.	Gov.	9	3	3	3	.....

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## TABLE 501.--STATE AND LOCAL ADVISORY COUNCILS (CONTINUED)

State	State councils					Local or special councils
	Appointed by--	Num-ber of Mem-bers	Groups represented <sup>2</sup>			
			Em-ployer	Em-ployee	Public	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
S.C.	E.S. Comm.	(1)	X	X	X	Permitted.
S.Dak.	Gov.	(1)	X	X	X	.....
Tenn.	Commr. of E.S.	(1)	X	X	X	Permitted.
Tex.	Emplmt. Comm.	(1)	X	X	X	Permitted.
Utah	Industrial Commission	$\frac{1}{11}$	$\frac{1}{4}$	$\frac{1}{4}$	3	Permitted.
Vt.	Gov.	9	3	3	3	.....
Va. <sup>3/</sup>	U.C. Comm.	(1)	X	X	X	Permitted.
Wash.	Comm. of E.S.	9	3	3	3	Permitted.
W.Va.	Gov.	9	3	3	3	Permitted.
Wis.	Indust., Lab. & Hum. Rel. Comm.	(1)	.....	.....	.....	Permitted.
Wyo.	E.S. Comm.	(1)	X	X	X	Permitted.

<sup>1/</sup> Number of members is min. in Ala. and max. in Ariz., Ky., Maine, and Wash.; in Utah the number of employer and employee members is min.; in Idaho the number of members may vary from a min. of 7 to a max. of 15 with no representation groups required; in other States footnoted, number of members is not specified.

<sup>2/</sup> "X" indicates representation of group required but number of representatives not specified; in Nev. number of employee and ER representatives must be equal.

<sup>3/</sup> State council not mandatory; in Hawaii and Mont., no statutory requirement.

<sup>4/</sup> Specifies individuals whose training and experience qualify them to deal with difficult problems of unemployment compensation.

# ADMINISTRATION

**TABLE 502.--APPEALS AUTHORITIES AND TIME LIMITATION FOR REVIEW\***  
A.--Administrative appeals

State (1)	Number of days for filing		1st stage appeals body (4)	Number of days for filing		2d stage appeals body (7)
	After de-livery (2)	After mail-ing (3)		After de-livery (5)	After mail-ing (6)	
Ala.	1 7	1 10	Referee.	. . .	10	Board of Appeals.
Alaska	10	10	Referee.	2 10	2 10	Dept. of Labor.
Ariz.	1, 2 7	1, 2 10	Examiner and 2 associates.	2 10	2 10	Dir. Econ. Sec.
Ark.	15	15	Referee or referee and 2 associates.	15	15	Board of Review.
Calif.	2 10	2 10	Referee.	. . .	2 10	Appeals Board.
Colo.	1 11	1 11	Referee.	. . . 11	11	U.C. Comm.
Conn.	. . .	14	Referee.	. . .	14	Board of Review.
Del.	1 7	1 10	Referee or referee and 2 associates.	10	10	Appeal Board.
D.C.	10	10	Examiner or examiner and 2 associates.	. . .	10	U.C. Board.
Fla.	1 10	1 10	Referee.	1 10	1 10	Indust. Rel. Comm.
Ga.	10	10	Referee or referee and 2 associates.	10	10	Board of Review.
Hawaii	10	10	Referee.	. . .	(8) (3)	. . . . .
Idaho	4 14	4 14	Examiner.	14	14	Indust. Acci- dent Bd.
Ill.	7	5 9	Referee.	. . .	10	Board of Review.
Ind.	5 10	5 10	Referee.	15	15	Review Board.
Iowa	1 10	1 15	Examiner or examiner and 2 associates.	15	15	E.S. Comm.
Kans.	1 12	1 12	Referee.	12	12	Board of Review.
Ky.	. . .	15	Referee.	. . .	15	U.I. Comm.
La.	10	10	Referee or referee and 2 associates.	10	10	Board of Review.
Maine	. . . .	1 10	Examiner or examiner and 2 associates.	15	15	E.S. Comm.
Md.	1 7	1 7	Referee.	1 7	1 7	Board of Appeals.
Mass.	5	7	Entire board, member of board, or examiner designated by board.	. . .	10	Board of Review.
Mich.	15	4 15	Referee.	. . .	8 15	Appeal Board.
Minn.	1, 2 7	1, 2 7	Examiner and 2 associates.	1 10	12	Comm. of Man- power Svcs.
Miss.	7	7	Referee or referee and 2 associates.	10	10	Board of Review.
Mo.	1, 2 10	1, 2 10	Referee or 3 referees.	2 10	2 10	Indust. Comm.
Mont.	1 5	1 7	Referee	5	7	Bd. of Labor Appeals.

(Table continued on next page)

# ADMINISTRATION

TABLE 502.--APPEALS AUTHORITIES AND TIME LIMITATION FOR REVIEW\*  
A.--Administrative appeals (Continued)

State	Number of days for filing		1st stage appeals body	Number of days for filing		2d stage appeals body
	After de-livery	After mail-ing		After de-livery	After mail-ing	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Nebr.	1 7	1 10	Examiner or examiner and 2 associates.	. . . .	(3)	. . . . .
Nev.	2 10	2 10	Examiner or examiner and 2 associates.	2 10	2 10	Board of Review.
N.H.	. . .	1, 2 7	Examiner or examiner and 2 associates.	. . . .	(3)	. . . . .
N.J.	1 7	1, 2 10	Examiner or examiner and 2 associates.	1 10	1 10	Board of Review.
N.Mex.	1 15	1 15	Examiner or examiner and 2 associates.	15	15	E.S. Comm.
N.Y.	30	30	Referee.	20	20	Appeal Board.
N.C.	. . .	1, 6 5	Examiner or examiner and 2 associates.	1 10	1 10	E.S. Comm.
		or				
N.Dak.	12	10 12	Referee or referee and 2 associates.	12	12	E.S. Bu.
Ohio	1, 4 14	1, 4 14	Referee.	. . . .	1, 8 14	Board of Review.
Okla.	10	10	Referee or referee and 2 associates.	10	10	Board of Review.
Oreg.	2/10	2/10	Referee.	10	10	Emplmt. Appeals Bd.
Pa.	1 10	1 10	Referee.	2 10	2 10	Board of Review.
P.R.	2 10	2 10	Referee.	2 10	2 10	Secretary of Labor.
R.I.	. . .	2 10	Referee.	2 10	2 10	Board of Review.
S.C.	7	7	Referee or referee and 2 associates.	10	10	E.S. Comm.
S.Dak.	. . .	9	Referee.	9	9	E.S. Commr.
Tenn.	1 10	1 10	Referee.	8 10	8 10	Board of Review.
Tex.	. . .	1 12	Examiner.	. . . .	10	E.Comm.
Utah	10	10	Referee.	10	10	Board of Review.
Vt.	1 10	1 12	Referee.	1 6	7 6	E. S. Board.
Va.	1 5	1, 6 7	Examiner or examiner and 2 associates.	10	10	Emplmt. Comm.
		or				
Wash.	10	10	Examiner	10	10	E.S. Commr.
W.Va.	1 8	1 8	Examiner <sup>9</sup>	1 8	1 8	Board of Review.
Wis.	14	14	1 or 3 examiners or examiner and 2 associates.	. . . .	14	Indust. Lab. & Hum. Rel. Comm.
Wyo.	10	10	Examiner or examiner and 2 associates.	10	10	E.S. Comm.

(Footnotes on next page)



## ADMINISTRATION

(Footnotes for Table 502-A.)

\*Administrative or judicial review applicable to claims determinations. Where review involves ER liability only, there may be different time limits and different hearings bodies.

1/ Rules and regulations specify "calendar day", Fla., Md., Nebr., N.J. In other States noted, law specifies "calendar days."

2/ May be extended for good cause. In Ariz. if lateness caused by postal service delay. In Minn. time is extended to 10 calendar days after delivery or 12 calendar days after mailing after which time determination is final.

3/ Only one administrative appeal.

4/ Appeal taken from redetermination.

5/ Refers to nonmonetary determination--allows 15 days for claimant or ER located in Alaska, Hawaii, or P.R.

6/ The longer period applies after notification is mailed to last known address of interstate claimant.

7/ Within 6 days from date of return receipt of registered mail.

8/ Referee may reconsider decision: within 30 days after service in absence of appeal for judicial review, Hawaii; within 15 days after mailing, Mich.; within 10 days after mailing of a referee's decision or within 30 days after mailing of board's decision, provided jurisdiction has not been removed to a higher authority, Ohio; within 30 days of delivery or mailing if no appeal to board of review, Tenn.

9/ Or 3 examiners assigned by board; member of board; the board.

# ADMINISTRATION

TABLE 502.--APPEALS AUTHORITIES AND TIME LIMITATION FOR REVIEW  
B.--Judicial review

State	Number of days for filing <sup>1</sup>			Judicial Review
	After delivery	After mailing	Other	
	of 2d stage appeal decision			
(1)	(2)	(3)	(4)	(5)
Ala.	. . . .	10+10	. . . .	Circuit Court. <sup>2</sup>
Alaska	30	30	. . . .	Superior Court.
Ariz.	30	30	. . . .	Superior Court.
Ark.	15	15	. . . .	Circuit Court. <sup>2</sup>
Calif.	. . . .	. . . .	<sup>8</sup> 6 mo.	Superior Court. <sup>3</sup>
Colo.	. . . .	<sup>4</sup> 10+20	. . . .	Court of Appeals.
Conn.	. . . .	15	. . . .	Superior Court of Hartford County.
Del.	10+10	10+10	. <sup>8</sup> . . .	Superior Court. <sup>2</sup> or <sup>7</sup>
D.C.	. . . .	. . . .	<sup>8</sup> 30	U.S. District Court for District of Columbia.
Fla.	. . . .	. . . .	<sup>8</sup> 30	District Court of Appeals. <sup>5</sup>
Ga.	10+10	10+10	<sup>6</sup> <sup>8</sup> . . .	Superior Court. <sup>7</sup>
Hawaii	. . . .	. . . .	<sup>6</sup> <sup>8</sup> 30	Circuit Court. <sup>2</sup> or <sup>7</sup>
Idaho	30	30	. . . .	Supreme Court.
Ill.	. . . .	35	. . . .	Circuit Court. <sup>2</sup> or <sup>11</sup>
Ind.	. . . .	<sup>9</sup> 15	. . . .	Appellate Court.
Iowa	10+20	10+20	. . . .	District Court. <sup>2</sup> or <sup>7</sup>
Kans.	. . . .	12	. <sup>8</sup> . . .	District Court. <sup>2</sup> or <sup>11</sup>
Ky.	. . . .	. . . .	<sup>8</sup> 20	Circuit Court. <sup>7</sup>
La.	10	10	. . . .	District Court. <sup>2</sup>
Maine.	10+15	10+15	. . . .	Superior Court of Kennebec County.
Md.	30	30	. . . .	Circuit Court of county or Superior Court of Baltimore. <sup>2</sup> or <sup>7</sup>
Mass.	. . . .	20	. . . .	District Court. <sup>2</sup>
Mich.	. . . .	15	. . . .	Circuit Court. <sup>2</sup>
Minn.	. . . .	30	. . . .	Supreme Court.
Miss.	10+10	10+10	. . . .	Circuit Court. <sup>2</sup>
Mo.	10+10	10+10	. . . .	Circuit Court or Court of Common Pleas. <sup>2</sup>
Mont.	. . . .	30	. . . .	District Court. <sup>2</sup>
Nebr.	. . . .	<sup>6</sup> 5+10	. . . .	District Court. <sup>2</sup> or <sup>7</sup>
Nev.	10+10	10+10	. . . .	District Court. <sup>5</sup>
N.H.	. . . .	<sup>6</sup> 15	. . . .	Superior Court. <sup>5</sup>
N.J.	. . . .	<sup>3</sup> 45	. <sup>8</sup> . . .	Superior Court, Appellate Division.
N.Mex.	. . . .	. . . .	<sup>8</sup> 15	District Court. <sup>2</sup>
N.Y.	30	30	<sup>1</sup> . . .	Supreme Court, Appellate Division, Third Department.
N.C.	<sup>4</sup> 10+10	<sup>4</sup> 10+10	. . . .	Superior Court. <sup>2</sup>
N.Dak.	30	30	. . . .	District Court of Burleigh County.
Ohio	. . . .	30	. . . .	Court of Common Pleas. <sup>2</sup> or <sup>7</sup>
Okla.	. . . .	10	. . . .	District Court. <sup>2</sup>
Oreg.	10+20	10+20	. . . .	Circuit Court. <sup>5</sup>

(Table continued on next page)

# ADMINISTRATION

TABLE 502.--APPEALS AUTHORITIES AND TIME LIMITATION FOR REVIEW  
B.--Judicial review (Continued)

State	Number of days for filing <sup>1</sup>			Judicial Review
	After delivery	After mailing	Other	
	of 2d stage appeal decision			
	(1)	(2)	(3)	
Pa.	. . . .	10+30	. . . .	Commonwealth Court
P.R.	10	10	. . . .	Superior Court. <sup>2</sup>
R.I.	15	15	. . . .	Superior Court of Providence or Bristol. <sup>2</sup> or 2
S.C.	10+10	10+10	. . . .	Court of Common Pleas. <sup>2</sup> or 7
S.Dak.	10+10	10+10	. . . .	Circuit Court. <sup>5</sup>
Tenn.	10+10	10+10	. . . .	Chancery Court. <sup>2</sup>
Tex.	. . . .	10+10	. . . .	County Court. <sup>2</sup>
Utah	10+10	10+10	. . . .	Supreme Court
Vt.	. . . .	. . . .	8 30	County Court.
Va.	10+10	10+10	. . . .	Circuit Court. <sup>7</sup>
Wash.	30	30	. . . .	Superior Court. <sup>2</sup>
W.Va.	. . . .	10 30+20	. . . .	Circuit Court of Kanawha County.
Wis.	. . . .	30	. . . .	Circuit Court of Dane County.
Wyo.	10	10	. . . .	District Court of Natrona County. <sup>2</sup> or 2 or 11

<sup>1/</sup> Where two figures are shown, first figure is number of days after which decision is final and is time claimant has to exhaust actions before administrative appeal bodies; second figure is additional time allowed to seek judicial review.

<sup>2/</sup> In county in which claimant resides. Non-resident may file suit in: Circuit Court of Cook County, Ill.; District Court of Polk County, Iowa; Shawnee County District Court, Kans.; Circuit Court of Cole County, Mo.; District Court of Oklahoma County, Okla.; Travis County Court, Tex. Claimant has option of filing appeal in Pulaski County, Ark. Appeals on intrastate claims filed in petitioners choice of Thurston County or county of residence or business; appeals on interstate claims in Thurston County, Wash.

<sup>3/</sup> By court rule, no statutory provision.

<sup>4/</sup> Claimant must appeal to commission for a review within 10 days before appeal to court, Colo.; claimant must file a notice of intent to appeal before decision is final, N.C.

<sup>5/</sup> Where claim was filed.

<sup>6/</sup> No further administrative appeal; in Hawaii 30 days after service of referee's decision.

<sup>7/</sup> In county or city in which the claimant last worked.

<sup>8/</sup> After date of decision, Hawaii, Ky.; after decision has become final, D.C.; within 30 days after date of entry of decision, (time prescribed by Fla. appellate rules), Fla.; after notification or mailing of decision, N.Mex.; after notice of appeal is filed, Vt.; date of decision or date on which the decision is designated a precedent decision, whichever is later, Calif.

(Footnotes continued on next page)

## ADMINISTRATION

(Footnotes for Table 502-B continued)

9/ Or 30 days from date of notice of intention to appeal made within the 15-day period.

10/ Appeals involving a labor dispute must be filed within 20 days after mailing of Board's decision.

11/ In county in which business is located.